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IDENTICAL LETTERS DATED 27 JUNE 1996 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF TURKEY TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions from my Government, I have the honour to transmit herewith a letter dated 21 June 1996 addressed to Your Excellency by His Excellency Prof. Dr. Emre Gönensay, Minister for Foreign Affairs of the Republic of Turkey (see annex).

I would be grateful if the text of the present letter and its annex would be brought to the attention of the members of the Security Council and be circulated as a document of the Security Council.

(Signed) Tuluy TANÇ
Ambassador
Chargé d'affaires a.i.

* Reissued for technical reasons.

Annex

Letter dated 21 June 1996 from the Minister for Foreign Affairs of Turkey addressed to the Secretary-General and to the President of the Security Council

The letter dated 28 May 1996 from the Minister for Foreign Affairs of the Republic of Iraq addressed to you and contained in Security Council document S/1996/401 of 31 May 1996, required the reconfirmation of the Turkish position on the Iraqi issue.

Since the outbreak of the Gulf crisis, Turkey has been one of the leading countries that has consistently underlined, in every multinational forum, the sovereignty, political independence and territorial integrity of Iraq, as confirmed in all relevant Security Council resolutions, in particular resolution 688 (1991). However, if respect for Iraq's territorial integrity is an obligation for Turkey as well as other members of the international community, Iraq is no less obliged to prevent the use of its territory for the staging of terrorist acts against Turkey. Indeed, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV) of 24 October 1970) stipulates that every State has the duty to refrain from, inter alia, acquiescing in organized activities within its territory directed towards the commission of terrorist acts in another State. As of this very principle, it becomes inevitable for a country to resort to necessary and appropriate force to protect itself from attacks from a neighbouring country, if the neighbouring State is unwilling or unable to prevent the use of its territory for such attacks.

It is a fact, though an unfortunate one, that Iraq cannot exercise its authority either on the territory or the airspace of a part of its country. Turkey, therefore, can at present neither ask the Government of Iraq to fulfil its obligation nor find any legitimate authority in the north of Iraq to hold responsible under international law for terrorist acts committed or originated there. This being the situation, Turkey cannot be expected to stand idle when not only its territorial integrity but also the lives of its citizens are incessantly threatened by the blatant cross-border attacks of a terrorist organization, based and operating in northern Iraq, whose long-term separatist goals are known to the entire world. Under these circumstances, Turkey's resort to measures imperative to its own security originating from the principle of self-preservation and necessities, cannot be regarded as a violation of Iraq's sovereignty. As has been said time and again, until Iraq is in a position to resume its responsibilities and perform its consequent duties under international law, Turkey has to take necessary and appropriate measures to eliminate the existing terrorist threat from the area and to thwart any development that may jeopardize the maintenance of regional peace and stability. Therefore, as to the claims raised in the letter of the Minister for Foreign Affairs of the Republic of Iraq, it should once again be made clear that these measures target the elements and resources of the terrorist organization, and utmost care has always been displayed not to harm the innocent civilian population.

Last but not least, I feel obliged to note that this question can no longer be perceived as an issue between Turkey and Iraq alone, since the PKK terrorism, long recognized as part of international terrorism, has transcended the boundaries of these two countries. It has now become common knowledge that this terrorist organization and its leader receive shelter and support from one of the members of the United Nations, namely the Syrian Arab Republic. There is no doubt that this attitude of the said country contradicts not only the principle of good neighbourliness but also the commitment of all Member States, under the Declaration contained in the annex to General Assembly resolution 49/60 of 9 December 1994, entitled "Declaration on Measures to Eliminate International Terrorism" and, among others, General Assembly resolution 50/186 of 22 December 1995, entitled "Human rights and terrorism", according to which all States must fulfil their obligations under the Charter of the United Nations and other provisions of international law, with respect to combating international terrorism, and are urged to take effective and resolute measures in accordance with the relevant provisions of international law and international standards of human rights, for the speedy and final elimination of international terrorism, in particular to refrain from organizing, instigating, facilitating, financing, encouraging or tolerating terrorist activities and to take appropriate practical measures to ensure that their respective territories are not used for terrorist installations or training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens.

I should be grateful if you would have the present letter circulated to members of the Security Council.

Prof. Dr. Emre GÖNENSAY
Minister for Foreign Affairs
of the Republic of Turkey